

REMARKS

Of the six claims examined on the merits, Claims 1-6, three of them have been rejected on formal or substantive grounds. Applicants have amended their claims and respectfully submit that all the claims currently in this application are patentable over the rejection of record.

Two formal grounds of rejection are imposed in the outstanding Official Action. The first of these is directed to Claim 4. Claim 4 stands rejected, under 35 U.S.C. §112, second paragraph, as being indefinite.

The indefiniteness rejection of Claim 4 is predicated upon improper dependency of that claim from the claim from which it depends, Claim 1. That is, Claim 1 recites a pharmaceutical salt whereas Claim 4 speaks of pharmaceutically acceptable salts.

To overcome this ground of rejection, Claim 1, from which Claim 4 depends, has been amended to recite pharmaceutical salts in the plural. As such, antecedent basis for Claim 4 is obtained.

In this regard it is noted that the word "acceptable" is obviously missing from Claim 1. That is, although the original recitation of a pharmaceutically salt is grammatically correct, the recitation intended was a pharmaceutically acceptable salt. Support for this allegation is established in the originally filed specification at Page 2, line 6. Thereat, the word "acceptable" is included. As such, the additional of this word, which corrects an obvious typographical error, does not introduce any new matter into the application.

A second formal ground of rejection included in the outstanding Official Action is directed to Claim 5. Claim 5 stands rejected as being improperly dependent from Claim 1. The Official Action avers that the piperidinyl and the pyrrolidinyl rings are not attached at the 3-position.

Applicants concede that the rejection of Claim 5 is meritorious in part. That is, the piperidinyl ring is not attached at the 3-position. However, the pyrrolidinyl ring is indeed attached at the 3-position.

To overcome this ground of rejection Claim 1 has been amended to delete formula I which permits the non-quinoline ring to be a pyrrolidinyl ring. That is, the non-quinoline ring is now limited to a pyrrolidinyl ring. It is emphasized that the pyrrolidinyl ring is attached to the quinoline ring at the 3-position.

Claim 5 has been amended to delete the structural formula wherein the non-quinoline ring is a pyrrolidinyl ring. The amendment of Claims 1 and 5 is consistent insofar as the pyrrolidinyl ring of the compound of both claims is attached to the quinoline ring at the 3 position.

The embodiment deleted from Claim 1 has been reintroduced into the application as new independent Claim 16. That is, the compound of Claim 16 is a quinoline compound with a non-quinoline ring attached thereto wherein the non-quinoline ring is a piperidinyl ring. It is emphasized that the piperidinyl ring is attached at the 3-position.

Although the compound of Claim 16 has the structural formula of cancelled generic formula I of original Claim 1, where n is 2, the meaning of radicals R^1 , R^2 and R^3 has been amended to limit one of their meanings. That is, the meaning (C₁-C₆) alkoxy optionally substituted with one to three halo atoms has been limited to (C₁-C₆) alkoxy substituted with one to three halo atoms.

The reason for the separation of the embodiments of original Claim 1, in addition to overcoming the indefiniteness rejection, as discussed above, is to respond to the sole substantive ground of rejection imposed in the outstanding Official Action.

Claim 1 has been rejected under 35 U.S.C. §102(b) as being anticipated by the German Patent No. 812,911 to Tchelitcheff. Specifically, the Official Action relies on the last named compound at page 2, column 2, 1-ethyl-3-[6'-methoxyquinolyl-(8')]-aminopiperdine, as being a species within the scope of the generic compound of original Claim 1.

The aforementioned Tchelitcheff compound requires R¹ or R² of the generic compound of new Claim 16 to be methoxy, which is outside the scope of the compound of that claim.

It is noted in passing that the compound of amended Claim 1 has not been amended insofar as the Tchelitcheff disclosure does not include a pyridinyl ring.

New Claims 17-19 reproduce the scope of original Claims 2, 3, and 6, respectively, for the embodiment wherein the non-quinoline ring is a piperidine ring. As such, each of Claims 17 to 19 depend from Claim 16.

The above amendment and remarks establish the patentable nature of all the claims currently in this application. Notice of Allowance and passage to issue of these claims, Claims 1-6 and 16-19, is therefore respectfully solicited.

Respectfully submitted,



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